

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18215 of 1994

Between:

- 1.Chandragiri Rambabu, S/o. Ch. Venkata Chari, 28 years,
R/o. Valiveru (PO), Tenali Mandal, Guntur District-522 211.
- 2.D.George, S/o. Showraiah, 34 years, R/o. Kammagudem,
Damera Bheemanpally (PO), Marriguda Mandal, Nalgonda District.
- 3.Boddapati Sankar, S/o. B.Anjaiah, 30 years, Chiluvuru (PO),
Duggirala (M), Guntur District.
- 4.Gandikota Uma Kameswari Devi, W/o. V.L.Ganapaiah Rao,
26 years, R/o. Ramakrishna Nagar, Bagh Amberpet, Hyderabad.
- 5.K.Umamaheswari, D/o. Kanakambaram, aged about 27 years,
Aluru Post,Ponnuru Mandal, Guntur District.
- 6.Kandala Seetarami Naidu, S/o. Veerannaidu, 35 years,
Chalivendri Village, Veeraghattam, Srikakulam District.
- 7.M.Narender, S/o. Shankaraiah, aged 38 years, R/o. D.Kothapally,
Arvapally Mandal, Nalgonda District.
- 8.Y.Sudhaker Reddy, S/o. Chandra Reddy, 35 years,
R/o. D.Kothapally, Arvapally Mandal, Nalgonda District.
- 9.M.Prasad Reddy, S/o. Rami Reddy, 29 years,
Gopavaramvari Palli, P.C. Palli Mandal, Prakasam District.
- 10.K.Nagabrahmendra Swamy, S/o. Malakondaiah, 28 years,
Kandukur, Prakasam District.

..... PETITIONERS

AND

- 1.The Government of A.P., rep., by its Secretary, Panchayat Raj
Department, Secretariat, Hyderabad.
- 2.The District Development Officer, Zilla Praja Parishad, Srikakulam.
- 3.The District Collector, Srikakulam.
- 4.The District Development Officer, Zilla Praja Parishad, Guntur.
- 5.The District Collector, Guntur.
- 6.The District Development Officer, Zilla Praja Parishad, Nalgonda.
- 7.The District Collector, Nalgonda.
- 8.The District Development Officer, Zilla Praja Parishad, Ranga Reddy
District, Hyderabad.
- 9.The District Collector, Ranga Reddy District, Hyderabad.
- 10.The District Development Officer, Zilla Praja Parishad, Ongole,
Prakasam District.
- 11.The District Collector, Ongole, Prakasam District.
- 12.The Government of A.P., rep., by its Secretary, Education Department,
Secretariat, Hyderabad.
- 13.The Union of India, rep., by its Secretary of Law, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring that G.O.Ms.No.221 Education Department, dated 16-07-1994, as unconstitutional and illegal and further direct the respondents to appoint the petitioners as Teachers before any appointments are made as Teachers in the existing vacancies in A.P. State controlled Bodies after appointing the persons earlier covered by the order of this Court in W.P.M.P.Nos.17958 of 1994 and Batch in W.P.No.17104 of 1994 and Batch, dated 08-09-1994, after declaring that Article 323-A Clause 2 (d) of the constitution of India and Section-28 of the A.P. Administrative Tribunal Act, 1985, as unconstitutional for violating the basic structure.

For the Petitioners: MRSYED SHAREEF AHMED, ADVOCATE.

**For the Respondent Nos.1, 3, 5, 7, 9, 11 & 12: GP FOR PANCHAYAT RAJ & RURAL
DEVELOPMENT.**

For the Respondent Nos.2, 4, 6, 8, 10 & 13: NONE APPEARED.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The petitioners seek a declaration that G.O.Ms.No.221 Education Department, dated 16-07-1994, as unconstitutional and illegal and for a consequential direction to the respondents to appoint the petitioners as Teachers before any appointments are made as Teachers in the existing vacancies in A.P. State controlled Bodies after appointing the persons earlier covered by the order of this Court in W.P.M.P.Nos.17958 of 1994 and Batch in W.P.No.17104 of 1994 and Batch, dated 08-09-1994, after declaring that Article 323-A Clause 2 (d) of the Constitution of India and Section-28 of the A.P. Administrative Tribunal Act, 1985, as unconstitutional for violating the basic structure.

3. The issue involved in the present writ petition is squarely covered by the decision of the Supreme Court in ***L.CHANDRA KUMAR vs. UNION OF INDIA***, and hence the writ petition is not maintainable.

4. Hence, the writ petition is dismissed as not maintainable with liberty to the petitioners to approach the Andhra Pradesh Administrative Tribunal at Hyderabad, if so desired. However, there shall be no order as to costs.

D.S.R.VARMA, J

04TH NOVEMBER 2004

KRK

To:

- 1.The Secretary, Government of A.P., Panchayat Raj Department, Secretariat, Hyderabad.
- 2.The District Development Officer, Zilla Praja Parishad, Srikakulam.
- 3.The District Collector, Srikakulam.
- 4.The District Development Officer, Zilla Praja Parishad, Guntur.
- 5.The District Collector, Guntur.
- 6.The District Development Officer, Zilla Praja Parishad, Nalgonda.
- 7.The District Collector, Nalgonda.
- 8.The District Development Officer, Zilla Praja Parishad, Ranga Reddy District, Hyderabad.
- 9.The District Collector, Ranga Reddy District, Hyderabad.
- 10.The District Development Officer, Zilla Praja Parishad, Ongole, Prakasam District.
- 11.The District Collector, Ongole, Prakasam District.
- 12.The Secretary, Government of A.P., Education Department, Secretariat, Hyderabad.
- 13.The Secretary of Law, Union of India, New Delhi.
- 14.Two CCs to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).
15. Two CD copies.

